

Remarks

The present amendment is filed with a Request for Continued Examination and in response to the final Office Action dated December 28, 2007. A request for three month extension of time to respond is also enclosed.

In the final Office Action, the Examiner continues her rejection of a majority of the claims as obvious over a combination of U.S. Patent No. 6,847,965 to Walker and a Business Wire article titled "Air France Corrects and Replaces Previous Announcement," referred to by the Examiner as "Air France." The Examiner further maintains her rejection of certain claims as obvious over the Walker-Air France combination further in view of the article titled "Golden Boutique Set to Boost MAS Revenue," referred to as Ong-Yeoh.

The Applicant continues to maintain that the claims in their prior form are patentably distinct from the art, and reserves all rights to pursue them in a continuation application. However, in the interests of advancing prosecution, the Applicant amends the claims as shown herein to more particularly claim certain aspects of his invention. In particular, independent claims 1, 11, and 96 are each amended herein to reflect that all or a portion of the concession fee normally charged to merchants selling or delivering duty free items is not charged, the price of the travel ticket, duty free item or the combination of both is accordingly reduced or discounted, and that the duty free items are delivered at or near an exit point or on board a passenger carrier for which the international travel ticket is sold. As explained in the application, e.g., at paras. 0026-0029, in conventional duty free outlets merchants are normally charged a concession fee by an airport, airline, or other passenger carrier that is computed as a percentage of the dollar value of the duty free merchandise sold. As the Applicant recognized, requiring customers to purchase both an international travel ticket and a duty free item can give a passenger carrier the incentive

to waive all or a portion of this concession fee in exchange for having sold a seat. See application at par. 0029. As a result, the customer is able to obtain the travel ticket(s) and duty free item(s) at a substantially reduced price.

Nothing in the prior art recognizes this opportunity for synergy. The Examiner relies on Walker as showing the traditional “buy one get one free” model. Walker does not however, show a specific pricing determination for one or both items based on the savings of all or a portion of a concession fee charged by a passenger carrier for the sale of duty free items. On page 5 of the Office Action, the Examiner appears to be suggesting that Figure 10 of Walker teaches matching duty free items to tickets based on a concession fee price. However, no such concept is evident or in any way suggested by Walker much less Figure 10 of Walker. The other prior art of record similarly does not disclose or suggest the claims as amended including determining a price based in some way on or so as not to include a portion of a passenger carrier concession fee.

For at least these reasons, the Applicant respectfully requests reconsideration of the rejection and allowance of all pending claims.

Dated: June 30, 2008

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE EFS
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Respectfully submitted,



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